UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v. **Case No. 8:03-CR-77-T-30TBM**

HATIM NAJI FARIZ
_____/

MOTION FOR RECONSIDERATION OF THE MAGISTRATE JUDGE'S ORDER DENYING IN PART MR. FARIZ'S MOTION TO COMPEL PRODUCTION OF ENGLISH-LANGUAGE TRANSCRIPTS

Defendant, HATIM NAJI FARIZ, by and through undersigned counsel, and pursuant to 28 U.S.C. § 636(b)(1)(A), hereby respectfully requests that this Honorable Court reconsider the Magistrate Judge's Order (Doc. 437) denying in part Mr. Fariz's Motion to Compel Production of English-Language Transcripts. (Doc. 414). As grounds in support, Mr. Fariz states:

PRELIMINARY STATEMENT

On January 8, 2004, Mr. Fariz filed his Motion to Compel Production of English-Language Transcripts. (Doc. 414). Co-Defendant Ghassan Ballut separately moved to adopt Mr. Fariz's motion. On January 30, 2004, the U.S. Magistrate Judge granted in part and denied in part Mr. Fariz's Motion to Compel Production of English-Language Transcripts. (Doc. 437).

Specifically, the Magistrate Judge's Order requires the government to identify for the Defendants those 800 communications, culled from a universe of 21,000 hours of FISA

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wiretapped telephone calls, it deems to be relevant in this case. The Order also requires that the government produce for the Defendants copies of the "written analyses" made by the FISA interpreters. *Id.* at 7. The Magistrate Judge's Order denies Mr. Fariz' requests to compel English-language transcripts of all foreign-language recorded conversation and seized documents. Mr. Fariz respectfully seeks reconsideration before this Court of the decision of the Magistrate Judge denying in part his Motion to Compel Production of English-Language Transcripts.

STANDARD OF REVIEW

This Court "may reconsider any pretrial matter under [28 U.S.C. § 636(b)(1)(A)] where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A).

ARGUMENT

Mr. Fariz is Entitled to the Production of any and all English-Language Transcripts Translations of the Discovery in this Case, Including but not Limited to Wiretapped Telephone Calls, Surveillance Tapes, Documents, and Facsimiles, Pursuant to Federal Rule of Criminal Procedure 16 and the Fifth and Sixth Amendments to the U.S. Constitution.

As has been established, the evidence in this case encompasses some 21,000 hours of wiretapped telephone calls, thousands of pages of documents, and significant amounts of other documentary and electronic evidence, the vast majority of which is in a foreign language. For discovery in this case to be meaningful and useful in preparing an adequate defense for Mr. Fariz, in accordance with his Sixth Amendment right to effective assistance

of counsel, he is entitled to receive all English-language translations and transcripts of the evidence currently in the government's possession.

At the outset, it bears noting here that the office of the Federal Public Defender, counsel for Mr. Fariz, expended countless hours preparing and submitting a proposal for a supplemental budget for approval by the Defender Services Division of the Administrative Office of the United States Courts. Such requests are considered by the Budget Subcommittee, a panel of three federal judges from around the country. Initially, a recurring theme in the Magistrate Judge's comments from the bench and the written order was that counsel for Mrs. Fariz and Ballut were "woefully behind the other defendants" in reviewing the discovery (Doc. 437 at 8) and that "to a certain extent the fact that we're already a year into this case and no progress has been made falls upon [defense counsel's] shoulders, not ours." (January 22, 2004 Transcript of Discovery Conference Before Magistrate Judge McCoun at 36.) Mr. Fariz takes clear issue with these contentions. To the contrary, Mr. Fariz and Mr. Ballut have done more to move this case along than any other party.[1]

In February of 2003, immediately upon learning of the extraordinary and unprecedented amount of discovery in this case, the Federal Public Defender (FPD) consulted the Administrative Office of the United States Courts and numerous other defenders around the country who had previously handled similar cases. Since three of the

[1]The Magistrate Judge recognized the Federal Public Defender's efforts in this regard in his January 30, 2004 order. Doc. 437 at 2 fn.2.

four defendants had court-appointed counsel, it was the consensus that some form of cooperative joint processing of the discovery was appropriate to save time and money.

On or about March 1, 2003, the FPD contacted the Magistrate Judge to explore a joint discovery plan. At that time, the Magistrate Judge felt that such a plan was premature because Dr. Al Arian did not yet have counsel. Notwithstanding the Magistrate Judge's response, the FPD and counsel for Mr. Ballut began developing a realistic and workable plan to process the discovery. On April 7, 2003, the Court appointed CJA counsel for Dr. Al Arian. On the same day, all defense counsel met and concurred that the FPD's proposed plan was the most efficient way to process and review the discovery. This was the first of numerous meetings to work out discovery problems.

Soon thereafter, a meeting was held with the United States Attorney's Office to explore the means and schedule of discovery. The proposed discovery plan was raised and was actually supported by the government to the extent that it facilitated the process. The FPD then began formulating the specifics for a formal proposal to the Defender Services Budget Subcommittee. Due to the complex nature of the budget process the only person qualified to formulate and propose such a supplemental budget was the FPD himself. Between May 7th and the end of August, the FPD spent a very large amount of time, in addition to his other duties, working on this budget. The necessary projections on staffing, office space, and information technology required extensive research and consultation with experts and vendors. Additionally, Administrative Office budget analysts spent significant time working on the project.

At the end of August, the FPD submitted the proposed budget to the Magistrate Judge and this Court for review. With the Court's approval, it was then submitted to the Budget Subcommittee for approval. The Budget Subcommittee did not act on the proposal until their annual meeting in early December. At that time, the FPD appeared before the subcommittee to discuss the proposal. The committee members' questions and comments indicated a strong concern regarding the effect of this and other extremely large cases on the judiciary budget. They also expressed concern that the government was not providing English translations of all the material. In early January, the full Defender Services Budget Committee approved of the requested budget, except for the amount requested for translators and transcriptionists. The committee did approve $25,000 for interpreter services, exclusive of the translating and transcribing of tapes.

In addition to the above factual background, several other factors rebut the Magistrate Judge's contention. The first is the amount of work the Office of the Federal Public Defender has devoted to this case in addition to the budget efforts. Upon appointment, this case was assigned to Assistant Federal Public Defender (AFPD) Don Horrox, perhaps the most capable and experienced lawyer in the Tampa office. In mid-April, a second AFPD, Allison Guagliardo, was assigned full-time. When Mr. Horrox left the office in October, another AFPD, Kevin Beck, took over the lead counsel duties. In November, a third full-time AFPD, Wadie Said, was added to the case. There have also been a full-time investigator and paralegal assigned to the case since its inception.

Second, despite the Magistrate Judge's assertions to the contrary (e.g., Doc. 437 at 3), Mr. Fariz contends that the government has failed to provide timely, meaningful and usable discovery, and has been less than forthcoming about the nature of the discovery. Specifically, to date, the government has failed to provide a complete set of the wiretap recordings or identify the 800 calls that it contends are relevant to this case.[2] It has also yet to produce the computer hard drives seized from the defendants in 1995 and 2003.

The government's evasiveness in regard to the tapes has also caused delay and confusion. For example, the government has consistently denied that it possesses logs of the wiretap recordings. However, when pressed by the Magistrate Judge at the January 22nd hearing, the government conceded that it had contemporaneous "written analyses" of the calls. (January 22, 2004 Transcript of Discovery Conference Before Magistrate Judge McCoun at 62-64.) Whether one calls them "logs" or "analyses," it is clear that the government has records indicating the date, time, phone number, speaker identification information, and the substance of the conversation. The government's hedging is disingenuous at best. In another example, the government has maintained to defense counsel and the Court that it does not possess transcripts of the wiretap calls. *Id.* at 62. However, a review of Special Agent Kerry Myers' February 19, 2003 affidavit in support of a search warrant application states the "FBI has retained numerous Arabic linguists to provide both

[2]Indeed, this fact alone belies the Magistrate Judge's contention that "the Government's production to date has exceeded that required by [Federal Rule of Criminal Procedure] 16." (Doc. 437 at 3.)

summaries and verbatim translations of [the intercepted calls] in the English language." (February 19, 2003 Affidavit in Support of Search Warrants by Special Agent Kerry Myers ¶ 20 at 15-16.) It should be noted that Special Agent Myers was present and participated at the January 22nd hearing when the representations were made.

Whether it is misfeasance or malfeasance, the government's lack of candor is inappropriate, particularly in light of the monumental challenge that this case presents to the Court and the defense. These actions, perhaps more than any other factor, have contributed to delay and cost precious time and resources.[3]

Finally, Mr. Fariz contends that Mrs. Hammoudeh and Al Arian are not as far along in the discovery process as the Magistrate Judge assumes, and perhaps not as far along as Mr. Fariz and Mr. Ballut. At the January 22nd hearing, counsel for Mr. Hammoudeh and Dr. Al Arian informed the court that their clients have not been able to review many of the taped conversations for several reasons. First, they have only received 523 out of 900 CD's and nineteen out of 118 "MOD's." (January 22, 2004 Transcript of Discovery Conference Before Magistrate Judge McCoun at 15.) In fact, Dr. Al Arian's counsel indicated that their client has only been able to listen to seventy hours of those materials because of technical problems with the listening equipment and the extremely restrictive conditions at USP Coleman. *Id.*

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[3]The Magistrate Judge's Order mistakenly characterizes this motion as "prompted in large part by economic considerations." (Doc. 437 at 2 fn.2.) With all due respect to the Magistrate Judge, this motion is driven by the desire of the Office of the Federal Public Defender to provide Mr. Fariz with effective assistance of counsel under the Sixth Amendment, given the gravity of the charges against him.

Since Thanksgiving, Dr. Al Arian has only reviewed eleven hours of recordings. *Id.* at 16. Apparently, Mr. Hammoudeh does not even have access to a CD player in his cell and has listened to less than Mr. Al Arian. *Id.* at 18.

In contrast, Mr. Fariz has completed review of the initial 239 hours of cassette recordings and is reviewing the material on CD. However, notwithstanding the progress of any single defendant in reviewing the calls, it is eminently clear that such a method will never permit an adequate review prior to the present trial date or suffice to effectively prepare counsel for trial.

Mr. Fariz takes further exception to the Magistrate Judge's underlying assumption that it is not necessary for the defense to review all of the intercepted calls and that the defense should defer to the government's interpretation of which calls are important. For reasons more fully explained elsewhere in this pleading, a complete review is necessary to reveal any potentially exculpatory witnesses or information.

Another example of why all conversations must be reviewed is the issue of minimization. Pursuant to 50 U.S.C. § 1801(h), the Attorney General is required to adopt and follow specific procedures that "minimize the acquisition and retention . . . of non publicly available information concerning non consenting United States persons . . ." In this case, Mr. Fariz has a good faith belief that the government did not comply with such minimization procedures. However, in order to determine whether the belief is correct, and to what degree there many have been a violation, the defense must review all of the wiretap recordings.

It is clear that Federal Rule of Criminal Procedure 16 gives this Court the requisite discretion to order such a production, as it provides the Court with extended powers to modify discovery: "At any time the court may, for good cause, deny, restrict, or defer discovery or inspection, or grant other appropriate relief." Fed. R. Crim. P. 16(d)(1). Pursuant to this Rule, it has been recognized that trial courts have an inherent power to control and supervise discovery proceedings in criminal cases. *United States v. Carrigan*, 804 F.2d 599, 603 (10th Cir. 1986) (citing *United States v. Fischel*, 686 F.2d 1082, 1091 (5th Cir. 1982)). Specifically, "highly unusual" cases, such as this one, involving massive amounts of factual discovery, complex and novel legal issues and a trial estimated to take several months, are particularly appropriate for liberal discovery. *United States v. Narciso*, 446 F. Supp. 252, 264-65 (E.D. Mich. 1977), disagreed with on other grounds, *United States v. Griffith*, 864 F.2d 421, 424 n.2 (6th Cir. 1988). The Court is given wide latitude in deciding discovery matters under Rule 16 and will only be reversed under an abuse of discretion standard. *United States v. Salerno*, 108 F.3d 730, 742 (7th Cir. 1997). Indeed, "[i]t is within the sound discretion of a district judge to make any discovery order that is not barred by a higher authority." *United States v. Campagnuolo*, 592 F.2d 852, 857 n.2 (5th Cir. 1979).[4]

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[4]In *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc), the Eleventh Circuit adopted as binding precedent all decisions handed down by the former Fifth Circuit before October 1, 1981.

In this case, the English-language transcripts of the wiretapped telephone calls and foreign language documents are material to Mr. Fariz' defense. Much of the indictment contains summaries of individual telephone conversations and documents attributed to the defendants and their alleged co-conspirators. Given the lack of interpretation resources available to Mr. Fariz, it is simply impossible for him to sift through thousands upon thousands of hours of telephone calls and thousands of pages of documents in Arabic and Hebrew in preparing a defense. Thus, nothing short of government production of all transcripts and any drafts will enable effective preparation of the defense.

The government, in its response to the Motion to Compel Production, has repeatedly represented that it does not have transcripts or translations of the 21,000 hours of wiretapped telephone calls, and that the vast majority of the wiretapped calls are not relevant to the case. (Doc. 420 ¶ 2; January 22, 2004 Transcript of Discovery Conference Before Magistrate Judge McCoun at 62.)[5] Indeed, the government also averred that it does not even possess a log of the telephone calls that make up the entirety of the wiretapped material. *Id.* at 62-63. However, such a statement would suggest that the government will fail to meet its burden to review evidence in its control and turn over to the defense all exculpatory material under *Brady v. Maryland.*[6]

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[5]It is important to note that the United States responded to Mr. Fariz' motion on January 14, 2004, with a four-page brief that cited to no legal authority in counterpoint to any of the cases cited by Mr. Fariz in his motion.

[6] *Brady v. Maryland*, 373 U.S. 83 (1963).

To satisfy *Brady* and *Giglio*,[7] the government will need to review the content of all of the tapes and documents. The government has an affirmative duty to disclose material evidence "favorable to an accused," *Brady*, 373 U.S. at 87, including evidence that could be used to impeach a witness, *Giglio*, 405 U.S. at 154-55. The Supreme Court has defined material evidence favorable to the defendant to mean "'there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different.'" *Kyles v. Whitley*, 514 U.S. 419, 433 (1995) (quoting *United States v. Bagley*, 473 U.S. 667, 682 (1985)).

The only method the government has to fulfill its *Brady* and *Giglo* obligations, therefore, is to produce and review the English-language transcripts of the evidence at issue so the government can identify what parts are either favorable to Mr. Fariz or material to the question of his innocence or guilt. Because of the magnitude of the discovery in this case, the government cannot possibly meet its obligations under *Brady* and *Giglio* by simply turning over copies of thousands of Arabic-language telephone conversations and foreign-language documents to the defense.[8] Indeed, several courts have found the government to have violated its *Brady* obligations by merely providing access to documents and tapes in

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[7] *Giglio v. United States*, 405 U.S. 150 (1972).

[8] Even with respect to the discovery process, the government has only produced a fraction of the total of recorded conversations in its possession to date. The fact that the government has managed to turn over only a portion of the wiretapped calls, despite over ten months passing from the issuance of the indictment, only serves to highlight the difficult task Mr. Fariz and his counsel have ahead of them in preparing for trial.

cases involving voluminous discovery. These courts have required the government to specifically identify exculpatory or impeaching materials. *See United States v. Hsia*, 24 F. Supp. 2d 14, 29-30 (D.D.C. 1998) ("The government cannot meet its Brady obligations by providing Ms. Hsia with access to 600,000 documents and then claiming that she should have been able to find the exculpatory information in the haystack. To the extent that the government knows of any documents or statements that constitute *Brady* material, it must identify that material to Ms. Hsia."); *Emmett v. Ricketts*, 397 F. Supp. 1025, 1043 (N.D. Ga. 1975) ("In this Court's opinion, the prosecutorial duty to produce exculpatory evidence imposed by *Brady* may not be discharged by 'dumping' (even in good faith) a voluminous mass of files, tapes and documentary evidence on a trial judge," and "[T]he prosecution has the affirmative duty of spelling out possible areas of materiality.").[9] Hence, the government must review the tapes and transcripts, specifically identifying for Mr. Fariz those containing exculpatory or impeaching information. Disclosure of the transcripts of the tapes, as well as any drafts of the transcripts to Mr. Fariz, assists both the Court and Mr. Fariz in ensuring that the government has complied with its obligation.

Further, the government's representations with respect to its review of the wiretapped telephone calls do not give Mr. Fariz hope that it will adequately meet its burden under *Brady*. As noted earlier, the government has claimed that it has neither a translation of the calls in their entirety nor a complete log. Further, the government has represented that it does

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[9]The Magistrate Judge's order recognizes this point and agrees with Mr. Fariz' position. (Doc. 437 at 6 fn.6.)

not intend to translate the bulk of the 21,000 hours, which are referred to as "junk." (January 22, 2004 Transcript of Discovery Conference Before Magistrate Judge McCoun at 62-72.) It is unclear how the government intends to meet its *Brady* burden if it does not review the wiretapped calls in their entirety, a process that would demand the production of an English-language transcript for each call. The government has admitted that its translators reviewed the calls in their entirety and in accordance with the following procedure:

> The overwhelming majority of these intercepts were minimized in accordance with the FISA order. The minimized calls were reviewed by translators, and only those calls that were deemed pertinent to the counter terrorism investigation, although similar to, was not identical to the ultimate criminal case from which we've borrowed some of this information, the – only an analysis of the translator was passed on and retained by the government, so that if the translator reviewed one of these CD's that had 35 conversations on it and deemed only one of them to be pertinent, under the FISA order the other 34 conversations were documented. They are – they were retained and they existed. (*Id.* at 62-63.)

First, it is in clear violation of the government's *Brady* obligations, not to mention sound investigative techniques, to depend on translators not trained in criminal investigation methods to determine what material is relevant, let alone exculpatory, in prosecuting this case. To the extent not already done, the government must review all the wiretapped telephone calls and foreign-language materials to determine whether or not they contain *Brady* material. Such a review demands translation of the materials into English, and any and all translations, be they in transcription form or otherwise, must be turned over. It simply makes no sense whatsoever for such a voluminous amount of material to be translated twice at taxpayer expense, once by the government and once by the defense.

Second, the government's statements are not clear with respect to those translations that have been legally minimized. The government contends that all the wiretapped calls concerning this case were legally minimized and then reviewed by translators. At the very least, it beggars belief that the government had translators in its employ to review the content of the wiretaps, but that those translators did not make a log of the work they did. How were they to know that they had reviewed a certain batch without a log? How were they to have known that a particular call was relevant or not if they did not make a systematic notation to aid the investigation and ensure that work was not duplicated? All these questions can be answered if the government makes available English-language transcripts and translations of the complete discovery in this case.

Denying Mr. Fariz access to the transcripts at issue here would also violate his Fifth Amendment right to equal protection. In the case of an indigent defendant, such as Mr. Fariz, the Constitution forbids disparate treatment by a state "between classes of individuals whose situations are arguably indistinguishable." *Ross v. Moffitt*, 417 U.S. 600, 609 (1974)[10];

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[10]While *Ross* relies on the Equal Protection Clause of the Fourteenth Amendment which applies to states, Mr. Fariz' rights in this federal action are similarly guaranteed by the Due Process Clause of the Fifth Amendment. *See Bolling v. Sharpe*, 347 U.S. 497, 499 (1954) ("The Fifth Amendment, which is applicable in the District of Columbia, does not contain an equal protection clause as does the Fourteenth Amendment which applies only to the states. But the concepts of equal protection and due process, both stemming from our American ideal of fairness, are not mutually exclusive. The 'equal protection of the laws' is a more explicit safeguard of prohibited unfairness than 'due process of law,' and, therefore, we do not imply that the two are always interchangeable phrases. But, as this Court has recognized, discrimination may be so unjustifiable as to be violative of due process.").

United States v. Devlin, 13 F.3d 1361, 1363 (9th Cir. 1994). It would certainly offend the concept of equal protection if Mr. Fariz' inability to pay for an adequate number of interpreters to translate and transcribe the telephone conversations and documents were to become a factor in this case, since "differences in access to the instruments needed to vindicate legal rights, when based upon the financial situation of the defendant, are repugnant to the Constitution." *Id.* (quoting *Roberts v. LaVallee*, 389 U.S. 40, 42 (1967)). Furthermore, while "[t]he Fourteenth Amendment 'does not require absolute equality or precisely equal advantages,' . . . [i]t does require . . . that indigents have an adequate opportunity to present their claims fairly within the adversary system." *Ross*, 417 U.S. at 612; *Moore v. Kemp*, 809 F.2d 702, 709 (11th Cir. 1987). Mr. Fariz simply will not have an "adequate opportunity" to present his claims in this case if he is denied access to all the telephone conversations and documents, since he will only have been able to review a small portion of those materials before trial, given the fiscal constraints present here.

Despite the clear and compelling precedent cited above, the Magistrate Judge dismissed this argument as "without merit" in a paragraph without citing any countervailing legal authority. (Doc. 437 at 7.) The Magistrate Judge notes that counsel for Mr. Fariz has not sought his aid in obtaining funding to hire one or more interpreters "despite prodding from the court." *Id.* As noted above, the Office of the Federal Public Defender went to great lengths to create a realistic and feasible budget proposal that was vetted and approved by the Court in this case, only to have the section dealing with hiring interpreters rejected in large part, after a period of deliberation that lasted some four months. It is unclear, therefore,

how counsel for Mr. Fariz acted inappropriately or failed to avail itself of the aid of the Magistrate Judge, since its supplementary budget proposal was submitted with his approval. As the cases cited above demonstrate, Mr. Fariz should not be penalized due to his inability to mobilize and finance the translation of thousands of hours of wiretapped calls and voluminous amounts of documentary discovery.

Also, the Magistrate Judge's order rejects Mr. Fariz' equal protection argument on the basis that he is "able to listen to [the wiretapped calls] and interpret them for [his] counsel." *Id.* Assuming arguendo that Mr. Fariz has been reviewing the tapes of the wiretapped calls, since preparations for trial are privileged, he is only one individual making his way through 21,000 hours of material, *i.e.*, some 2.4 years worth of tape, if played continuously without interruption. Further, the value of Mr. Fariz' interpretations would be marginal at best due to problems inherent in using any defendant as a witness in his own trial. It certainly is not a plan upon which the defense can rely. Nor can Mr. Fariz serve as an expert witness on the content of the translations, since he is not professionally qualified as an expert in the Arabic and English languages and has no qualifications as a translator. The Magistrate Judge's remark in this regard, with all due respect, does not adequately reflect the amount of work performed by Mr. Fariz and his counsel in attempting to prepare for trial in this matter.

Finally, failure to provide Mr. Fariz with the transcripts would violate his right to a fair trial under the Sixth Amendment. "No right ranks higher than the right of the accused to a fair trial." *Press-Enterprise Co. v. Superior Ct.*, 464 U.S. 501, 508 (1984). Specifically,

were Mr. Fariz unable to locate critical exculpatory evidence in the vast expanse of untranslated discovery, such a deprivation would rise to the level of denial of his right to a fair trial. *Cf. People of Terr. of Guam v. Ngirangas,* 806 F.2d 895, 897 (9th Cir. 1986) (holding that denial of crucial exculpatory testimony due to court's preventing defendant from deposing a fugitive may impinge on a defendant's Sixth Amendment right to a fair trial). Denying Mr. Fariz access to the transcripts would stand in marked contrast to the position of the government, which has investigated this case for over 15 years, amassing 21,000 hours of wiretaps and thousands of pages of documents. Denial of the transcripts would offend notions of fairness, as well as impact negatively on Mr. Fariz' right to a fair trial. In such a situation, Mr. Fariz would be left scrambling to develop a defense to the severe charges in the indictment, which carry stiff penalties, while being capable of only reviewing a small fraction of the evidence accumulated. In this regard, the Supreme Court has noted that "[i]n our adversary system for determining guilt or innocence, it is rarely justifiable for the prosecution to have exclusive access to a storehouse of relevant fact." *Dennis v. United States*, 384 U.S. 855, 873 (1966).

WHEREFORE, Defendant, Hatim Naji Fariz, respectfully requests that this Honorable Court reconsider the Magistrate Judge's Order denying in part (Doc. 437) Mr. Fariz' Motion to Compel Production of English-Language Transcripts.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of February, 2004, a copy of the foregoing has been furnished by hand delivery to Walter E. Furr, Assistant United States Attorney, United States Attorney's Office, 400 North Tampa Street, Suite 3200, Tampa, Florida 33602 and by U.S. Mail to the following:

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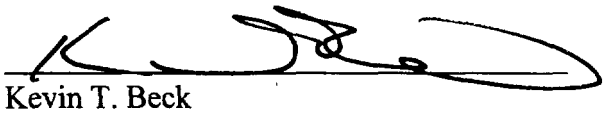

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